

**PHYSICAL DOCUMENT**

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REGARDING THE DECEMBER 15, 2012 PUBLIC COMMENT PERTINENT**Author:** Casey, Pat**Document Type:** LETTER**LSA(s):****Co-Counsel:** ATENENBA;KLYSKOWS**Counsel LSA(s):** ICOVINGT**Distribution List:** ENRD, EESCCaseManagement (ENRD); Lattin, Sue (ENRD); Rose, Robert (ENRD); Berman, Lisa (ENRD);Casey, Patrick (ENRD);TenBrink, Nikki (ENRD);Lyskowski, Kevin (ENRD);Covington, Imogene (ENRD)**Fileroom:** EES - 6th Floor**DJ#:** 90-11-3-09754**Case Name:** IN RE: MOTORS LIQUIDATION CO. F/K/A GENERAL MOTORS CORPORATION (LEAD CASE)**Court:** NY Bankr. S.D. N.Y.; 2nd Cir.**Notes:****Double-Sided:****Received Date:** 5/31/2012**Urgent:****Oversize:****Bound Document:**



WILLIAM B. MAGNARELLI
Assemblyman 120th District

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May 25, 2012

Honorable Ignacia S. Moreno, Assistant Attorney General
Environmental and Natural Resources Division
P. O. 7611
U. S. Department of Justice
Washington, D. C. 20044-7611

Re: *In re Motors Liquidation Corp., et al.*, D. J. Ref. 90-11-3-09754

Dear Assistant Attorney General Moreno:

In conjunction with the current 30-day comment period, I have enclosed a copy of my December 15, 2010 public comment letter pertinent to the above-referenced matter.

I continue to strongly support Onondaga County's position. As the proposed settlement approaches final deliberation, I once again voice my advocacy for an amended settlement that does not leave Onondaga County taxpayers liable for what is clearly and completely a corporate environmental irresponsibility.

Very truly yours,

William B. Magnarelli
Member, NYS Assembly
120th District

MAY 31 2012

DEPT. OF JUSTICE - ENRD
ENVIRONMENTAL DIVISION

CC: Honorable Charles Schumer
Honorable Kirsten Gillibrand
Joanne M. Mahoney, Onondaga County Executive
Lisa Jackson, Administrator, USEPA
Kenneth P. Lynch, Regional Director, NYSDEC Region 7

Enclosure (1)

WBM/jg



*Corr.
90-11-3-09754*



WILLIAM B. MAGNARELLI
Assemblyman 120th District

THE ASSEMBLY
STATE OF NEW YORK
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December 15, 2010

Ignacia S. Moreno, Assistant Attorney General
Environmental and Natural Resources Division
P. O. 7611
U. S. Department of Justice
Washington, D. C. 20044-7611

Re: *In re Motors Liquidation Corp., et al.*, D. J. Ref. 90-11-3-09754

Dear Assistant Attorney General Moreno:

In accordance with the Department of Justice' recent Public Meeting announcement, this letter is hereby submitted for inclusion as a public comment on the above referenced matter. As your announcement notes, while the public comment period closed on November 27, 2010, the "Department will accept public comments on the proposed Settlement at the public meeting." The letter also has been mailed to you and those copied below.

I have read and am in substantial agreement with the comments submitted by the County of Onondaga on November 24, 2010. Writing as an Assemblymember who has legal training, I commend the County for its well argued plea on the merits and facts, and a compelling call for "justice as fairness". There can be little doubt that the proposed settlement favors the party with superior advantage (GM), and tacitly marks those of lesser advantage (the taxpayers of my Assembly District and Onondaga County) with the responsibility for remedying, if you will, a mess not of their making.

I understand and am somewhat sympathetic to the vagaries of the manufacturing market place, and even of the shortsighted decision making of GM's management and R&D principals. Many Onondaga County residents will recall their shock at the closure of GM Inland Fisher Guide, and their Massena facility. In my opinion, that is enough of a legacy without GM being allowed, under cover of bankruptcy and enabled by immense taxpayer support, to abrogate its clear responsibilities under CERCLA and RCRA. This region has supported GM quite enough as former GM workers, and as taxpayers underwriting the automotive 'bailout', and CERCLA and RCRA were never intended as shields.

(Continued)



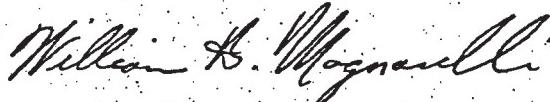
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I would hope that the Department and the Environmental Protection Agency, in the context of a negotiated *national* settlement, will not lose sight of the *local* interests which in this instance are represented not only by several valued local employers, but especially by the County of Onondaga and the Town of Salina. The settlement, as proposed leaves such entities in fiscal jeopardy, and at a time of economic crisis. In particular, to link Salina and this county to the known purveyor of PCB contamination relies on linkages that, however legitimized under a broad reading of CERCLA and RCRA, are at best tenuous when they are not entirely absurd.

As is well known to the Department of Justice and the EPA, Onondaga County has made great and even heroic strides towards Onondaga Lake wastewater treatment remediation, and in partnership with Honeywell and others, is addressing many of the issues created by industrial residuals. These efforts have been made possible by Federal, State, and local resources, and of course commitments from various successor companies. All of these resources are precious, and all of these sources are stressed. The current proposed settlement, at least in my opinion, creates the specter of an everlasting open-ended project, wherein government may always feel free to require 'just one more thing'.

I respectfully request favorable consideration of an amended settlement agreement that does not leave Onondaga County taxpayers liable for what is clearly and completely a corporate environmental responsibility.

Very truly yours,



William B. Magnarelli
Member, NYS Assembly
120th District

CC: Honorable Charles Schumer
Honorable Kirsten Gillibrand
Joanne M. Mahoney, Onondaga County Executive
Lisa Jackson, Administrator, USEPA
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YES
NO
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